

Appendix 4A

Program Element Accomplishments

Construction Element Accomplishments

Ordinance and Standards

- Developed Grading and Erosion Control Questionnaire in September 1991 to identify small infill projects that may potentially cause drainage and/or sedimentation problems prior to approval of the project.
- Grading, Erosion and Sediment Control Ordinance
 - Adopted Grading, Erosion and Sediment Control Ordinance in December 1993.
 - Amended Ordinance in February 2001 to ensure that projects in North Natomas complied with federal and state endangered species requirements during the period in which the Natomas Habitat Conservation Plan was invalid.
- Amended Ordinance and adopted an Erosion and Sediment Control Fee Resolution on October 21, 2003, to enable the City to fund the erosion and sediment control inspection program for private construction projects. The ordinances were last updated in FY 04/05.
- Grading, Erosion and Sediment Control Manual (Grading Manual)
 - Completed Grading Manual in January 1994.
 - Updated standard drawings in the Grading Manual to be consistent with the proposed joint City/County construction specifications and participated in the development of the joint specifications in 1996/97.
 - Developed standard notes for Erosion and Sediment Control Plans in 1997/98.
 - Revised the standard drawings in 2005/06.
 - The standard specifications for construction projects were last updated in June 2007 which included a new section; Section 16, Water Quality Control and Standard Drawings. These standard notes and technical drawings are available on the City's website.
- Adopted the City of Sacramento Stormwater Management and Discharge Control Ordinance (Stormwater Ordinance) in February 1998.
- Partnered with the County to draft an example standard erosion and sediment control plan in 2005/06.

Inspection and Enforcement

- Revised review procedures for development plans and California Environmental Quality Act (CEQA) documents to include erosion and sediment control practices beginning in 1991. Since 1991, standard conditions have been developed, and projects are conditioned during the entitlement process to comply with City and state grading, erosion and sediment control requirements. The City also reviews Environmental Impact Reports and Mitigation Monitoring Plans to ensure that erosion, sediment and pollutant control is addressed.

- Developed standard language in accordance with the City and state grading, erosion and sediment control requirements and included in construction specifications for City projects in 1993/94. Incorporated standard construction specification into Department of Utilities contracts in 1996/97. Revised Department of Utilities language in 2002 with addition of the construction specifications.
- Began issuing grading permits, which included Erosion and Sediment Control Plans, during the improvement plan and building permit process in 1994/95.
- Acquired the part-time services of three Water Waste Inspectors in December 1995 to enforce stormwater requirements at construction sites. These inspectors began inspecting residential subdivisions during 1995/96 and commercial projects in 1996/97. In 1998, the part-time inspectors were replaced with a full-time inspector dedicated to ensuring private development construction sites comply with City erosion, sediment and pollution control requirements. In 2002, an additional full-time inspector was added to increase coverage at private construction sites.
- Sent winterization letters to construction projects requesting certification that sites were prepared for the rainy season in October 1998, 1999, 2000 and 2002; and distributed the Regional Board Rainy Season letter in October 2003, 2004, 2005 and 2006.
- Sent a citywide notice in March 2001 to developers and builders of active construction sites notifying them that failure to implement effective erosion, sediment and pollutant control measures year around would result in the issuance of stop work orders.
- Developed in December 2001, in conjunction with the County and Regional Board, a local guidance document that assists agency staff and the development community in complying with the April 2000 General Construction Permit Modifications regarding sediment impaired water bodies and non-visible pollutants in SWPPPs.
- Developed a new Street/Sidewalk Washing program and implemented it in December 2001. This program addresses the sedimentation found in newly constructed drainage systems resulting from street washing at construction sites. The program restricts regular street washing at construction sites to Friday afternoons and Saturdays after a City inspector certifies the site has been dry cleaned and is free of sediment and other materials.
- Developed a database to track inspections and generate inspection reports in 2002/03.
- Participated in developing and assisted in the funding of the California Stormwater Quality Association (CASQA) BMP Handbooks (formerly the California Stormwater Quality Task Force). The BMP Handbook revisions were completed in 2003.
- Verify that the State General Construction Permit Storm Water Pollution Prevention Plan contains 1) a vicinity map, 2) a site map, 3) a list of potential sources of stormwater pollution, 4) type and location of erosion and sediment control BMPs to be used, 5) contact information for the person responsible for implementing the SWPPP, and 6) certification statement prior to issuing a permit. This procedure was implemented in 2003.
- Prioritized construction sites as a high or moderate threat to water quality in 2003/04. High priority sites are inspected a minimum of twice per month from October 1 – April 30 and monthly thereafter. Moderate sites are inspected a minimum of monthly year round.

Training and Outreach

Outreach to development and construction communities

- Beginning in 1991, conducted various workshops for the development and construction community on the following topics: Construction Program, proposed ordinances, Grading, Erosion and Sediment Control Manual (Grading Manual), and recommended control measures and state requirements. The City of Sacramento (City) conducted four workshops in October 1999 and participated in various workshops sponsored by International Conference of Building Officials (ICBO) during 1999/00. The City's workshops covered City and state erosion, sediment and pollution control requirements. Two workshops were targeted for municipal inspectors, and two were held for the development community. The ICBO workshops covered the State General Construction Permit requirements and effective and non-effective best management practices (BMPs).
- Beginning in 1994, developed various outreach materials, including a Construction Fact Sheet and brochures for six different construction related activities (Concrete Applications, Earth Moving Activities, Heavy Equipment Operation, Landscaping and Pool Maintenance, Painting and Solvents, and Roadwork and Paving). The Concrete and Paint brochures were updated during the Second Permit term and were translated into Spanish in 2005.
- Partnered with the County to create a new pamphlet entitled "Construction on Small Building Sites" in April 2004.
- Participated in the Permittee Inspection Coordination Committee (PICC) formed by the County of Sacramento from May 2000 through 2004 to discuss standards enforcement procedures, and new product and technology. The group was composed of program and inspection staff from the Sacramento Area Stormwater Permittees (Permittees), County Regional Sanitation District, City of Stockton, and California Regional Water Quality Control Board, Central Valley Region (Regional Water Board). The goal of the work group was to share information and provide a consistent message to the development community. The work group was disbanded in June 2004. (this is not a training or outreach activities)
- Partnered with the County of Sacramento (County) and Regional Water Board to develop a Stormwater Pollution Prevention Plan (SWPPP) Preparation Course. Participated in or co-sponsored 15 various training courses with the County, Permittees or Building Industry Association (BIA), and the Regional Water Board from October 2000 through June 2002. Co-sponsored workshops with the Permittees entitled, "Preparing and Implementing SWPPPs for Construction Activities" on August 12, 2002, and March 31 and June 24, 2004 and "Simple Tools for NPDES Compliance" on September 18 and October 3, 2002.
- Permittees and Regional Water Board sponsored and conducted the following Pre-wet Season forums for the development and construction community: September 1 and 11, 2003, September 8 and 14, 2004, September 19 and 20, 2005 and September 25 and October 02, 2007.
- Partnered with the Permittees to conduct an informational meeting with consultants conducting training on Sacramento stormwater requirements on December 11, 2002, and erosion and sediment control vendor training on September 25, 2003.
- Permittees in partnership with Thunder Mountain Enterprises, Inc. sponsored and conducted a couple of training sessions for the development and construction community on topics related to NPDES program, SWPPP preparation and proper implementation, local and state requirements, and Low Impact Development, among other things.

Training to municipal staff

- Conducted regular training/coordination meetings and tailgate sessions with City plan checking and inspection staff. Specific tailgate sessions were held with developers, project engineers, inspectors, consultants, and contractors for development projects in the North Natomas area in the fall of 1998.
- Conducted annual training from 2003/04 through 2007/08 for municipal staff whose jobs are engaged in construction activities. Staff targeted included various departments such as the Department of General Services (Facility Design & Inspection), Parks and Recreation (landscape architects & inspection), Planning (Long Range, Current, Environmental) Transportation (project managers and inspection), Utilities (development review staff, project managers, inspection) and Development Services (Matrix staff).

Effectiveness Evaluation

- Completed the Construction Site Inlet Protection Special Study in 1995/96, which evaluated the effectiveness of four inlet protection BMPs.
- Completed work plan for evaluation of the Construction Element including the development of the plan review and field audit forms in 1996/97. Began plan review and field audit by stormwater staff in 1997/98. Conducted an audit of the Construction Element in 1999/00. This audit was performed by a consultant and included evaluation of the City's standards, Grading Manual, and plan check and inspection processes and quality. The results of this audit will be used to identify and prioritize areas needing improvement in the Construction Program.

Illicit Discharge Element Accomplishments

Inspection and Enforcement

- Adopted Stormwater Ordinance in February 1998 and updated the Ordinance in 2004.
- Conducted an Illicit Connection Field Screening Program between 1995 and 1998. Demonstrated that illicit connections were not a significant problem. Only two illicit connections were found and subsequently connected to the sanitary sewer.
- Developed procedures to respond to reports of illicit discharges and to contain, clean and abate the discharges.
- Developed enforcement response procedures
- Began using Water Quality Inspectors in 2007 to provide enforcement for parties responsible for illicit discharges.
- Developed a database for tracking of illicit discharge complaints and enforcement actions.

Waste Disposal Alternatives

- Initiated an ongoing program for curbside collection of used motor oil by the Solid Waste Division in 1995.
- Continued to conduct quarterly household hazardous waste collection events through the Solid Waste Division. In 1999, a new solid waste transfer station provided facilities that accept daily deposits of small amounts of household-generated hazardous wastes.

Spill Response and Source Investigation

- Provided ongoing spill response notification procedures and training for the Department of Utilities 24-hour City Operator.
- Began ongoing 24-hour availability of City Field Services and Fire Department Hazardous Materials staff in 1992 for response to prohibited non-stormwater discharges in the City for documentation, investigation, reporting, and clean up.
- Implemented an ongoing phone line in 1992, for public reporting of incidents of prohibited non-stormwater discharges.
- Developed a Stormwater Program website in 1998, which provides pollution prevention information and on-line reporting of illegal discharges.

Training and Outreach

- As a deterrent to illegal dumping, approximately 95% of all drain inlets have been labeled with the message “No Dumping Flows to River”.
- Produced various public outreach materials for use by Field Services and Program staff to distribute in areas that have experienced extreme or repeated dumping incidents or other water quality problems.
- Provided ongoing training for drainage maintenance and other municipal staff to identify and help investigate illicit connections or evidence of illegal dumping.
- Implemented Charity Car Wash program in FY09.
- Implemented multi-cultural outreach program to address Russian, Hmong, and Spanish populations.

Industrial Element Accomplishments

Significant Industries Control Program

- Developed a customized industrial database in 1997, which contains all business licenses filed in the City, facilities under the State Industrial General Permit for Stormwater Discharges Associated with Industrial Activities (State Industrial General Permit), and those industries identified in the 1991 industrial identification work.
- Included language in the City development review process requiring the owner(s) of a planned industrial development to submit a determination of the need for coverage under the State Industrial General Permit to the Department of Utilities for approval.
- Developed a rating system in 1996 to prioritize industries with regard to specific activities and the probability or significance of pollutants and non-stormwater discharges.
- Developed and implemented the Clean Water Business Partner (CWBP) Program, a nonstructural control program, for the mobile carpet cleaning industry in 1997. Added landscape contractors in 2000.
- The Permittees developed a list of priority commercial businesses and industry categories subject to either routine inspections or targeted outreach and definitions for each. Environmental Management Department (EMD) refined the definitions of the priority industries based on field inspection observations.

Inspection and Enforcement

- Adopted the Stormwater Ordinance in 1998. Ordinance was amended in 2004 to provide the County of Sacramento's Environmental Management Department (EMD) with legal authority to conduct inspections and enforcement for targeted industries on behalf of the City. Said amendment includes an agreement (MOU) that was executed and approved in December 09, 2003 between the two jurisdictions.
- Participated in the Sacramento Area Pollution Prevention Committee, formed in 1996, and the Environmental Task Force, formed in 1999, which provide opportunities for Industrial Element staff to network with other pollution prevention agencies.
- Initiated coordinated inspections for food service facilities, metal recyclers, and businesses with sewer pretreatment permits in 1999.
- Developed EMD's Commercial and Industrial Stormwater Compliance Program (CISCP) to establish routine stormwater inspections of targeted industries, to be conducted in conjunction with other regulatory inspections. The successful CISCP program is now being referred to by regulators and others in the State as a model for those developing similar programs. EMD is authorized to conduct the CISCP on behalf of the Permittees through a Memorandum of Understanding (MOU) executed by each Permittee in 2003. Local stormwater ordinances were revised by the Permittees in 2004 to provide EMD with billing and enforcement authority county-wide.
- By June 30, 2007 completed the first cycle of stormwater compliance inspections by EMD for the following facilities: auto repair and body shops, auto dealers, gas stations, restaurants, nurseries, kennels, equipment rental businesses, and facilities covered under the General Industrial Permit.

- Developed and implemented the Complaint-based Storm Water Compliance Program (CBSCP) to address non-stormwater discharges by industries and commercial businesses that are not cover under the CISCSP program. Conducted inspections and enforcement including: Issued verbal warnings, Notices of Violations, and Administrative Penalties.

Training and Outreach

- Conducted a compliance assistance workshop in 1996 on the State Industrial General Permit.
- Provided annual education and training for City Field Services staff to help them identify and report stormwater pollution problems observed in the field to Industrial Element staff.
- Produced educational outreach materials in 1995 for commercial and do-it-yourself painters, food service facilities, pool maintenance companies, concrete application, heavy equipment operation, landscaping, road work and paving, and dry cleaning businesses.
- Sent outreach materials to priority industries twice during the 2003-2007 Permit term.

Municipal Operations Element Accomplishments

Spill Response

- Revised SSO response plan in March 2007 to include current regulatory requirements.

Municipal Capital Improvement Projects

- Provided technical assistance for City construction projects.
- Incorporated regional water quality control measures in North Natomas and Jacinto Creek detention basins.
- Provided water quality features in the Wood Lake drainage system maintenance and improvement project.
- Trained City construction inspectors on proper BMP implementation standards to be used on City construction site.

Municipal Facilities

- Participated in the review of design plans for proposed municipal facilities.
- Regularly coordinate with and provide guidance to project managers and inspection staff for construction of municipal facilities.
- Identified and minimized non-stormwater discharges from equipment and vehicle washing.
- Audited all City vehicle maintenance facilities, material storage facilities and corporation yards in 2004 to determine which facilities should prepare and implement pollution prevention plans.
- Developed pollution prevention plans for the 28th Street Landfill (closed) in 2007, 24th Street Corporation Yard in 2002, North Area Corporation Yard in 2007, and the Meadowview City Service Complex in 2002.
- Annually maintain City owned and operated parking facilities.

Municipal Activities

- Developed a City wide Integrated Pest Management (IPM) Policy in 2006.
- Conducted monthly street sweeping of 3,010 curb miles.
- Evaluated Street Maintenance Practices in 2007, and developed written procedures for BMP implementation.
- Implemented a voluntary program for containerization of green waste in 2004.
- Annually clean sumps and removed sediment from drainage channels.
- Annually clean storm drainage collection pipes and appurtenances.
- Regularly operate and maintain settling/treatment facilities at regional detention basins.
- Conduct fire fighting hose manipulation training at a facility equipped with BMPs.

Training and Outreach

- Annually attend various tailgate meetings and conducted specific training sessions to provide Program information and to increase awareness of water quality issues associated with municipal activities.

- Developed and conduct an IPM training program beginning in 2007.
- Conducted inspector training.

New Development Element Accomplishments

Ordinance and Design Standards

- Adopted the Stormwater Ordinance in February 1998.

Stormwater Quality Design Manual

- Completed Volume 2 (Hydrology Standards) of the City/County Drainage Manuals in December 1996, which provides the accepted methods for estimating runoff peak flows and volumes for design of drainage facilities and determining the optimum volume of storage for water quality detention basins.
- In 1996/97, conducted the Volume 5 Work Group, comprised of four private engineering firms that reviewed and critiqued the design criteria and control measures in the Draft Volume 5 (Standards for Design of New Development On-site Stormwater Quality Control Measures) of the City/County Drainage Manuals, January 1995.
- Completed Volume 4 (Manual of Standards for Design of Joint Use Stormwater Detention Facilities) of the City/County Drainage Manuals in 1997/98. The manual provides standards for design, operation and maintenance of joint-use park/detention facilities.
- Completed North Natomas Drainage Design and Procedures Manual in 1997/98. The manual includes criteria for the control of urban runoff pollutants from new developments on a regional basis. This manual requires stormwater quality control facilities for low-intensity storms and initial flows from larger storms (i.e., first flush) as well as natural processes for non-storm flows, irrigation runoff and dry weather conditions. The regional stormwater criteria from this manual were incorporated into the 2007 Stormwater Quality Design Manual for Sacramento and South Placer Regions.
- Participated in workgroup to incorporate stormwater requirements and control measures into existing ordinances and guidance manuals for parking lot tree shade and multifamily housing in 1998/99.
- Completed the Guidance Manual for On-site Stormwater Quality Control Measures in January 2000. This manual had previously been known and utilized as Volume 5 (Standards for Design of New Development On-site Stormwater Quality Control Measures) of the City/County Drainage Manuals during its draft stages.
- Completed the Stormwater Quality Design Manual for Sacramento and South Placer Regions in May 2007, which is the current manual. The manual includes the stormwater quality requirements for new developments and significant redevelopments, numeric sizing criteria and design and maintenance criteria for source controls, runoff reduction measures and treatment controls.

Development Standards Plan

- Prepared the Development Standards Plan (DSP) that was submitted to the Regional Board on December 1, 2003, and approved by the Regional Board in May 2005. The DSP included an overview of the development review process, existing development standards including a comparison to the stormwater Permit requirements, proposed amendments to the development standards, and an evaluation of the numeric sizing criteria for treatment controls. The DSP also included a review of existing planning procedures and codes and policies to determine if water quality protection principles listed in the Stormwater Permit were included.
- The development standards were amended in May 2006.

Development Standard Implementation (Regional and On-site Stormwater Controls)

Environmental Review Procedure

- Began review of CEQA documents to ensure new developments address water quality mitigation measures for stormwater runoff in 1991/92.
- Revised the Initial Study Checklist to consider potential stormwater quality impacts in June 2003.

Development Projects Review

- Began conditioning projects during the entitlement process to comply with post-construction stormwater requirements in 1993.
- Developed planning principles requiring the North Natomas Drainage Master Plan to formulate flood control and water quality alternatives for development of 7,000+ acres in 1992. Using the water quality design criteria developed in 1997/98, drainage master plans were developed and basins were designed. The regional facilities in North Natomas include Basin Nos. 1, 2, 3, 4, 5, 6a, 6b, 7a, 7b, 8a, and 8c. The types of water quality features utilized in the basins are combination wet/dry water quality basins, dry extended detention basins, low flow channels, and micropools. Maintenance plans have been prepared for several of these basins.
- Began incorporating regional water quality detention basins into the 500+ acre Jacinto Creek Planning Area in 1993/94. Regional water quality ponds have been incorporated into Laguna Vega North and South, Laguna Vista, and Sheldon Farms.

Stormwater Treatment Device Maintenance

- Completed and began utilizing a “Stormwater Treatment Device Access and Maintenance Agreement” in 1995/96 to ensure that property owners commit to long-term maintenance for on-site structural control measures.
- As of May 2006, maintenance agreements are required for all treatment control measures.
- Sent letters annually requesting inspection and maintenance records for proprietary devices installed on private property from June 2001 through 2008 to ensure that devices are being maintained.
- Trained and tasked student interns and started field visit and inspections of the post-construction site treatment control measures.
- Incorporated various on-site stormwater treatment control measures into the drainage systems for private development projects since 1995. These control measures include vegetated swales, Fossil Filter catch basin insert, CDS Filters, Jensen/Tiechert Interceptors, Jensen Storm Vault, Stormceptor, and Vortech. These devices have been installed at various development projects, including retail centers, office parks, equipment rental facilities, and manufacturing facilities.

Technical Review and Assistance

- Provided technical support to Department of Transportation on stormwater quality design using vegetative swales and stormwater planters for the Dixianne Green Street project in 2008.

- Provided information and review of the draft 2030 General Plan and MEIR in 2008. 2030 General Plan was adopted March 3, 2009 and incorporated water quality and watershed protection principals into City wide policy.
- Working with other Permittees and completed HMP pilot study for Elder Creek watershed in south Sacramento County in 08/09.
- Completed HMP work plan in 2009.

Training and Outreach

- Completed renderings of on-site control measures (Vegetated Swale, Infiltration Trench and Interceptor) in 1995/96. These renderings were completed to demonstrate how stormwater control measures could be incorporated into actual development projects. They were used in training City staff and the development community.

Outreach to development and construction community

- Conducted outreach to the development community on post construction stormwater quality requirements in 1996/97 and again in 1998/99. The presentations included information on City policy, standard conditions, recommended source control and treatment control measures, and reference materials. The 1996/97 audiences included the Consulting Engineers and Land Surveyors of California (CELSOC) and American Society of Landscape Architects (ASLA). The 1998/99 audiences included CELSOC; ASLA; American Society of Civil Engineers (ASCE); Building Industry Association (BIA); and private architectural, planning and engineering consulting firms.
- Prepared and distributed newsletter in 1998/99 to explain the need to incorporate stormwater quality control measures in the development planning process.
- Co-sponsored a Low Impact Development (LID) Workshop – Better Site Design on May 19, 2004 with the Permittees.
- Conducted outreach to the development community on the revised development standards and new regional Stormwater Design Manual in 2006/07. Outreach included creation and distribution of Project Update Fact Sheets, articles and notices through the professional organizations such as BIA, CELSOC, AIA, APA and ASLA, and presentations. A presentation was given to BIA in February 2007 and two public workshops were held in March 2007. Staff also presented the information to the City's Development Oversight Committee in April 2006 and June 2007.
- Conducted outreach to development communities through the NPDES compliance and SWPPP training sponsored by Thunder Mountain Enterprises, Inc. on September 27, 2007 and January 16, 2008 at two locations (Folsom, Sacramento). City presented low impact development and the new requirements in the NPDES permit.

Training to municipal staff

- Conducted training/coordination meetings with City planners, plan checking staff and inspectors from the Planning, Public Works, Building, and Utilities departments beginning in 1996.
- Meetings introduced the new on-site guidance manual and post-construction requirements to the Planning Department Environmental and Development Services staff in May 2000 and Public Works Department Architectural, Design and Inspection Sections in June 2000.

- Conducted annual training from December 2004 through 2007/08 for municipal staff whose jobs are engaged in development planning. Staff targeted included various departments such as the Department of General Services (Facility Design), Parks and Recreation (landscape architects), Planning (Long Range, Current, Environmental) Transportation (project managers), Utilities (development review staff) and Development Services (Matrix staff).
- Conducted internal workshop for Program Staff and Development Review staff from all Permittees on Hydromodification Management on January 28, 2009 and provided preliminary information of HMP pilot study.

Conference Presentations

- Conducted a presentation of the City's Development Standards and a field tour of the North Natomas Basins for the "California Nonpoint Source Conference, Demonstrating Nonpoint Source Solutions" on October 25, 2001.
- Participated in the Water Board's "Conducting Audits of Municipal Storm Water Programs" workshop by presenting information on the City's new development stormwater quality requirements and review process in March 2004.

Special Studies

- Conducted an Oil/Water Separator Study at the Northside Subdivision. The study was planned in 1993, and monitoring began in 1994/95 rainy season.
- Conducted stormwater settling tests during the 1993/94 and 1994/95 wet season to determine the settling rates of solids, metals and other parameters associated with Sacramento urban runoff.
- Completed the NDMP Stormwater Control Measure Study Work Plan in 1995/96, which included a literature review of effectiveness data on all control measures included in the draft January 1995 Volume 5 of the City/County Drainage Manual, and suggested BMP studies to be conducted in the Sacramento area.
- Conducted NDMP Inlet/In-line Control Measure Study from 1996-1999. Four storms were monitored for a Tiechert Stormwater Interceptor and a Fossil Filter catch basin insert in 1997/98, and five storm events were monitored for the Stormwater Interceptor in 1998/99. The results were summarized in the Inlet/In-line Control Measure Study Report 1998-99, dated October 1999.
- Conducted a Detention Basin Study (Brown Road Detention Basin) to evaluate the performance of dry extended stormwater detention basins in removing urban runoff pollutants. The study collected samples from 18 storm events from 1997 through 2001. The study concluded that the basin is substantially effective in reducing concentrations of many important stormwater pollutants in the solid/particulate form, but is less effective at reducing dissolved constituents and bacteria. Total suspended solids and total copper, lead and zinc showed statistically significant reduction between the inlet and outlet of the basin. The full report is included in the 2001/2002 Annual Monitoring Report (December 1, 2002).
- Conducted NDMP Control Measure Literature Review Update in 1997/98. The update included gathering information on vegetated control measure studies, new information from the 1996 Literature Review's "Ongoing Studies List," and recommended vegetation for vegetated swales and filter strips.

- Conducted a Landscape Control Measure Study (Vegetated Swale), which was initiated in 1997. Two storm events were monitored at the Sacramento Municipal Utility District (SMUD) parking lot facility in 1998/99, and a summary report was completed entitled NDMP Vegetated Landscape Control Measure Study Report 1998/99 (dated October 1999). Effluent sampling was difficult at the SMUD facility because the vegetated swale system effectively reduced run-off through infiltration. A new site was selected at an office building on Expo Parkway. Eleven storm events were monitored from late 1999 through May 2002. The final report is included in the 2001/2002 Annual Monitoring Report (December 1, 2002).
- Completed the Investigation of Structural Control Measures for New Development Final Report in November 1999. This study obtained and evaluated the performance data of 14 new development proprietary control devices and four public domain measures. The objective of this study was to identify both control measures considered acceptable for installation in the Sacramento area and information needs. An update of the initial study, including the original 14 manufacturers and 17 new manufacturers, was initiated in 2001. A draft report was prepared, including a peer review of the report by an independent consultant. Updated procedures and approved several devices in 2003 and 2005.
- Allowed the installation of several proprietary devices in 1999/00 that needed additional performance data and required the developer to conduct monitoring studies.
- Began dry weather sampling of North Natomas Basin Nos. 4, 5, 6, and 7a in September 1999. Dry weather grab samples were collected in September 1999; July, August, September and October 2000; April, June and August 2001; and March and June 2002. Wet weather grab samples were collected at Basin 7a on January 10 and 25, February 17, March 4, and April 6, 2001; and March 6, 9 and 22, 2002.
- Completed the Wet Water Quality Detention Basin Effectiveness Study Work Plan in September 2003.
- Completed the Erosion Potential Study in December 2004.

Public Education and Outreach Element Accomplishments

Outreach to General Public and Target Sectors

- Initiated Volunteer Storm Drain Stenciling program in 1993. Approximately 1,000 storm drain inlets are stenciled each year with a “No Dumping – Flows to River” message in semi-permanent (12-18 months) water-based spray paint.
- Conducted biannual public opinions since 1994 to determine the effectiveness of outreach activities.
- Attended public events since 1993. Provided an educational booth at local community events for distribution of materials and an interactive demonstration on stormwater pollution prevention.
- Developed and implemented Community Action Grant Program, which has been ongoing since 1996. Four to six grants each year have been awarded to local schools, agencies, associations, or clubs for promoting the protection of local waterways through stormwater pollution prevention.
- Conducted Pesticide Use Public Opinion Survey in 1997, providing baseline for pesticide toxicity control outreach evaluation.
- Provided permanent stormwater pollution prevention exhibits for the Sacramento and Folsom Zoos in 1997.
- Initiated partnership with the Sacramento Zoo in 1999, which included water quality curriculum in the Zoo’s classroom outreach and Zoomobile programs.
- Installed permanent stormwater playground at the Sacramento Zoo in 1999 and added to the playground in 2003.
- Developed Stormwater website in 1998.
- Conducted multimedia outreach campaign using recognizable mascot “Sammy Salmon” to deliver water pollution prevention key messages since 1998.
- Provided multiethnic outreach through electronic and print media since 1998.
- Developed and implemented the CWBP Program for two industries, carpet cleaners and landscapers, since 1998. Added mobile pressure washers to CWBP in 2003.
- Created and placed electronic stormwater model on display in various public buildings throughout the year since 1997.
- Developed Water Wise Pest Control program in 2000 to decrease pesticide toxicity in local waterways. The program is a partnership with the University of California (UC) IPM program and UC Extension Master Gardener Program and is funded through a grant from CALFED.
- Joined state-wide IPM program, ‘Our Water, Our World’ in 2005.
- Awarded an U.S. Environmental Protection Agency (EPA) grant in 2001.
- Partnered with the California Integrated Waste Management Board and other City departments on a public outreach program to reduce stormwater and greenwaste pollution and increase water conservation in North Natomas.

Outreach to Schools

- Assisted in development and implementation of stormwater curriculum (Splash Program) based on math and science for middle school and high school children to foster environmental awareness since 1999.
- Developed and implemented Stormwater Classroom Presentations to elementary school students since 1999. Presentations introduced the water cycle, aquatic food chain, and concept of environmental stewardship. Expanded program from 600 students in 1999 to over 6,000 students by 2003.
- Worked with the Sacramento Theatre Company to produce regional water conservation/ water quality musical production performed at public festivals and 75 schools during the spring of 2003.

Outreach to Public Officials and Municipal Operations

- Received City Council recognition in the form of proclamations presented to businesses and agencies that have done an outstanding job promoting water quality protection since 1998.
- Actively participated annually in National Pollution Prevention Week.

Outreach Involving Statewide Regional Activities

- Actively participated in the California Stormwater Quality Association Public Information and Public Participation committee.
- Was instrumental in developing the Central Valley Stormwater Public Outreach Group in 1999-2000, a professional network focused on stormwater issues unique to this area.
- Provided City staff who served as co-chair for the Public Outreach Committee of the California Regional Environmental Education Community Network, Capital Region from 1999-2000.
- Represented the California Stormwater Quality Association Public Information and Public Participation Committee at the EPA Consumer Labeling Initiative Committee's "Read the Label First" campaign conference call meetings in 2000.
- Shared information on the development and implementation of City of Sacramento Stormwater outreach programs at meetings of the California Stormwater Quality Association, California Water Environment Association, California Interagency Education Network, Sacramento Valley Broadcasters Association, and the 1999 California YMCA Youth in Legislature Symposium, and to numerous Phase II communities in northern California.

Watershed Stewardship Element Accomplishments

- Developed the 1988 Laguna and Jacinto Creek stream restoration project, which included incorporation of wetlands in channel features and vernal pools in overbanks.
- Developed the 1999 Jacinto Creek Planning Area Project, which included channel enhancements, re-establishment of vegetation, and wet detention basin water quality features.
- Developed the 1999 Royal Oaks Drain project, which provided water quality features and enhanced existing wetland.
- Completed design of Hagginwood Creek detention basin project in 2000, which includes stream restoration and incorporation of water quality features.
- Provided funding opportunities for citizen monitoring, training and school adopt-a-creek activities from 1997 to present through the City of Sacramento Stormwater Management Program's Community Action Grant Program. Several creeks clean-up, restoration and educational efforts have been sponsored to date.
- Continued development and implementation of the Splash Program for water pollution prevention, geared for grades 5-12.
- Participated in community events since 1993, including sponsorship of the Sacramento Urban Creeks Council's Creek Week.
- Serve on the Board of Trustees of the Sacramento River Watershed Program since 2008.
- Participated through the Department of Utilities in City of Sacramento planning activities. The department works with various City departments to encourage inclusion of water quality features when feasible. Projects considered include creek restoration and development of water features for flood control.
- Began Arcade Creek Watershed Management Program with numerous other City, County, state, and regional entities. Organized watershed management stakeholders group in 2001. Completed Arcade Creek feasibility study and Arcade Creek Watershed Management Plan in 2003. Received State Prop 50 grant in 2004 for additional watershed work, including construction of a wetland-filtration detention basin.

Title 13 PUBLIC SERVICES

Chapter 13.16 STORMWATER MANAGEMENT AND DISCHARGE CONTROL

13.16.010 Title.

This chapter shall be known as the Stormwater Management and Discharge Control Code. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.101)

13.16.020 Purpose and intent.

The purpose of this chapter is to protect and promote the health, safety and general welfare of the citizens of the city by controlling nonstormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from- spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. Section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and National Pollutant Discharge Elimination System (NPDES) Permit No. CAS082597, as such permit is amended and/or renewed. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.102)

13.16.030 Definitions.

A. The following words, when used in this chapter, shall have the following meanings:

“Basin plan” means the water quality control plan for Basin 5A and SB, adopted by the Regional Water Quality Control Board, Central Valley Region in July 1975, and all subsequent amendments.

“Best management practices” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to waters of the United States. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage.

“City” means the city of Sacramento.

“City manager” means the city manager of the city, or his or her authorized designee.

“Commercial and industrial facilities” means commercial and industrial facilities regulated pursuant to the Commercial/Industrial Program requirements specified in Section C.9 of NPDES Permit No. CA5082597.

“Construction general permit” means the General Permit for Stormwater Discharges Associated with Construction Activities issued and administered by the State of California in accordance with applicable provisions of the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

“County stormwater ordinance” means the County of Sacramento’s Stormwater Management and Discharge Control Code, set forth in Chapter 15.12 of the Sacramento County Code, and all subsequent amendments.

“Development” means the construction, building or placement of any structure or portion thereof, or any excavation or grading.

“Director” means the director of the city department of utilities or his or her authorized designee.

“Employee training program” means a documented employee training program that a business may be required to implement pursuant to a stormwater pollution prevention plan for the purpose of educating its employees on methods of reducing discharge of pollutants to the stormwater conveyance system.

“Enforcement agency” means the city department of utilities or any other city department authorized to enforce compliance with this chapter. If the city council and the governing body of another public agency enter into an agreement authorizing that agency to administer and/or enforce some or all of the provisions of this chapter, “enforcement agency” also shall mean the agency designated in the agreement as the agency responsible for administering and enforcing the provisions of this chapter, as provided in the agreement.

“Enforcement official” means the director or any employee or agent of the city authorized to enforce compliance with this chapter. If the city council and the governing body of another public agency enter into an agreement authorizing that agency to administer and/or enforce some or all of the provisions of this chapter, “enforcement official” also shall mean the authorized official(s) of the agency designated in the agreement as the agency responsible for administering and enforcing the provisions of this chapter, as provided in the agreement.

“Illegal discharge” means any discharge to the stormwater conveyance system that violates this chapter, or is prohibited by federal, state, or local laws, or which degrades the quality of receiving waters in violation of any plan standard.

“Industrial general permit” means the General Permit for Stormwater Discharges Associated with Industrial Activities issued and administered by the State of California in accordance with applicable provisions of the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

“NPDES permit” means a National Pollution Discharge Elimination System permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Division 7, Chapter 5.5 of the California Water Code (commencing with Section 13370) to control discharges from point sources to waters of the United States.

“Noncommercial vehicle washing” means the washing and/or rinsing of passenger vehicles on private property that is not being conducted as a commercial enterprise.

“Nonstormwater discharge” means any discharge to the stormwater conveyance system that is not entirely composed of stormwater.

“Order 2002-0206” means Regional Water Quality Control Board, Central Valley Region Order No. R5-2002-0206, which constitutes NPDES Permit No. CAS082597, together with all amendments and renewals, on file in the office of the city clerk.

“Person” means any person, firm, corporation, partnership, business, public agency, or any other public or private entity.

“Plan standard” means any or all applicable requirements of the basin plan or any other water quality control standard or requirement approved by the Regional Water Quality Control Board, Central Valley Region, the State Water Resources Control Board or the federal Environmental Protection Agency that applies to any of the receiving waters.

“Pollutant” means any contaminant that can degrade the quality of the receiving waters in violation of any plan standard.

“Premises” means any building, lot, parcel, land or portion of land whether improved or unimproved.

“Receiving waters” means surface bodies of water as described in Order 2002-0206, including creeks and rivers, that serve as discharge points for the stormwater conveyance system.

“Stormwater” means surface runoff and drainage associated with storm events that is free of pollutants to the maximum extent practicable.

“Stormwater conveyance system” means those artificial and natural facilities within the city, whether publicly or privately owned, by which stormwater may be conveyed to a watercourse or waters of the United States, including any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, open fields, parking lots, impervious surfaces used for parking, and natural and artificial channels or storm drains. “Stormwater conveyance system” does not include any facilities that convey stormwater to the city’s combined sewer system that collects and conveys both sanitary sewage and stormwater and surface runoff for treatment in accordance with applicable sewage treatment requirements, and that is regulated by Chapter 13.08 of this code in accordance with the provisions of a separate NPDES permit issued to the city for the combined sewer system.

“Stormwater pollution prevention plan” means a document that describes the best management practices to be implemented by the owner or operator of a business to eliminate prohibited nonstormwater discharges and/or reduce to the maximum extent practicable pollutant discharges to the stormwater conveyance system.

“Unauthorized connection” means any physical connection to the stormwater conveyance system that is not authorized by the city and the Regional Water Quality Control Board, Central Valley Region.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation rivers, creeks, runs, and rivulets.

B. Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and that are not specifically defined in subsection A of this section shall, when used in this chapter, have the same meaning as set forth in such act or regulations. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.103)

13.16.040 Conflicts with other laws.

In the event of any conflict between this chapter and any federal or state law, regulation, order, or permit, the requirement that establishes the higher standard for public health or safety shall govern. Nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order, or permit. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.104)

13.16.050 Discharge of nonstormwater prohibited.

Except as provided in Section 13.16.060 of this chapter, it is unlawful for any person to make or cause to be made any nonstormwater discharge. Notwithstanding the exemptions provided by subsections A and B of Section 13.16.060 of this chapter, if the Regional Water Quality Control Board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any plan standard, or conveys significant quantities of pollutants to any receiving waters, or is a nuisance or poses a risk to public health or safety, it is unlawful for any person to make or cause to be made such discharge to the stormwater conveyance system. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.105)

13.16.060 Exceptions to discharge prohibition.

Subject to the authority granted to the Regional Water Quality Control Board and the enforcement official in Section 13.16.050 of this chapter, the following discharges to the stormwater conveyance system are exempt from the prohibition set forth in Section 13.16.050 of this chapter.

A. Any discharge or connection regulated under a NPDES permit issued to the discharger and administered by the state of California pursuant to Division 7, Chapter 5.5 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations.

B. Discharges from the following activities that do not cause or contribute to the violation of any plan standard:

1. Potable water line flushing and other discharges from potable water sources;

2. Landscape irrigation and lawn watering;
3. Rising ground waters or springs;
4. Passive foundation and footing drains;
5. Water from crawl space pumps and basement pumps;
6. Air conditioning condensate;
7. Noncommercial vehicle washing;
8. Natural flows from riparian habitats and wetlands;
9. Dechlorinated swimming pool discharges that do not contain biocides or other chemicals, excluding filter backwash water;
10. Flows from fire suppression activities, including fire hydrant flows;
11. Diverted stream flows;
12. Uncontaminated ground water infiltration to separate storm sewers; and
13. Potable water used to wash sediment from streets and parking lots associated with construction sites that have been issued a street washing certification by the Department of Utilities and have implemented required best management practices.

C. Any discharge that the enforcement official, the local health officer, or the Regional Water Quality Control Board determines in writing is necessary for the protection of the public health and safety.

D. Any discharge caused by flooding or other natural disaster that could not have been reasonably foreseen or mitigated in advance by the discharger, as determined by the enforcement official. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.106)

[13.16.070 Groundwater discharges.](#)

Discharges of pumped groundwater not subject to a NPDES permit may be permitted to discharge to the stormwater conveyance system upon written approval from the city and in compliance with conditions of approval set forth by the city. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.107)

[13.16.080 Discharge in violation of permit.](#)

It is unlawful and a violation of this chapter for any person to make or cause any discharge to the stormwater conveyance system that results in or contributes to a violation of Order 2002-0206. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.108)

[13.16.090 Illicit connections prohibited.](#)

It is unlawful and a violation of this chapter for any person to establish, use, or maintain any unauthorized connection. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.109)

13.16.100 Concealment and abetting.

It is unlawful and a violation of this chapter to cause, permit, aid, abet or conceal a violation of any provision of this chapter. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.101)

13.16.110 Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this chapter or any provision of any permit issued pursuant to this chapter or any cease and desist order, prohibition, or effluent limitation, or who discharges waste or wastewater that contains pollutants, may also be in violation of the Federal Clean Water Act (33 U.S.C. 1251 et seq.) and/or Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and may be subject to the sanctions and remedies of those acts including civil and criminal penalties. The provisions or enforcement of this chapter shall not affect or limit in any way the applicability of those acts nor the enforcement of any sanctions, remedies or penalties under those acts. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.111)

13.16.120 Reduction of pollutants in stormwater.

Any person engaged in activities that may result in pollutants entering the stormwater conveyance system shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of nonstormwater discharge and/or pollutant discharge.

A. Business Related Activities.

1. Stormwater Pollution Prevention Plan. The enforcement official may require any business in the city engaged in activities that may result in a nonstormwater discharge to develop and implement a stormwater pollution prevention plan, that must include an employee training program. Business activities that may require a stormwater pollution prevention plan include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, and cleanup procedures that are carried out partially or wholly outdoors.

2. Coordination with Hazardous Materials Release Response Plans and Inventory. Any business for which a hazardous materials release response plan and inventory are required under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions demonstrating compliance with this chapter, and requiring the release of pollutants to be reduced to the maximum extent practicable.

3. Coordination with Hazardous Waste Generator Contingency Plan and Emergency Procedures. Any business for which a hazardous waste generator contingency plan and emergency procedures are required pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions demonstrating compliance with this chapter, and requiring the release of pollutants to be reduced to the maximum extent practicable.

4. Any person conducting business or industrial activities in the city shall prevent pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state and local laws, ordinances or regulations.

B. Development.

1. The enforcement official may establish and impose such controls as the enforcement official determines to be appropriate to minimize the long-term, post-construction discharge of stormwater pollutants from new development or modifications to existing development. Controls may include source control measures to prevent pollution of stormwater and/or treatment controls designed to remove pollutants from stormwater.

2. Any person conducting development in the city shall prevent pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state and local laws, ordinances or regulations, including but not limited to the City Grading, Erosion and Sediment Control Ordinance set forth in Chapter 15.88 of this code.

C. Compliance with General Permits. Any person conducting business, industrial, construction or development activities that are subject to a general stormwater permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, the Regional Water Quality Control Board, Central Valley Region or the city of Sacramento, including the construction general permit and the industrial general permit, shall comply with all requirements of such permit. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.112)

13.16.130 Compliance with best management practices.

Every person undertaking any activity or use of a premises that may cause or contribute to stormwater pollution or contamination, illegal discharges, or nonstormwater discharges shall: (1) comply with best management practices guidelines or pollution control requirements established or imposed by the enforcement official; and (2) properly operate and maintain any treatment control device or other measures utilized on the premises to prevent or reduce, to the maximum extent practicable, stormwater pollution or contamination, illegal discharges or nonstormwater discharges, as required by the enforcement official. (Ord. 2004-042 § 1 (part))

13.16.140 Containment and notification of spills.

Any person owning or occupying a premises who has knowledge of any release of pollutants or prohibited nonstormwater discharge from the premises that might enter the stormwater conveyance system, other than a release or discharge that is permitted by this

chapter, shall immediately take all reasonable action to contain and abate the release of any pollutants or prohibited nonstormwater discharge, and shall notify the enforcement agency as soon as reasonably possible of the release of any pollutants or prohibited nonstormwater discharge. (Ord. 2004-042 § 1 (part))

13.16.150 Commercial and industrial facilities—Inspection and enforcement by Sacramento County.

A. The city and Sacramento County are co-permittees under NPDES Permit No. CA5082597. The permit requires regular compliance inspections and enforcement at certain commercial and industrial facilities as defined by the permit. Sacramento County operates an inspection, investigation and enforcement program that enforces compliance with environmental and water quality requirements by commercial and industrial facilities located within the County.

B. Under Article 11, Section 8 of the California Constitution, and applicable provisions of the city and Sacramento County Charters, the city and Sacramento County may enter into agreements for Sacramento County to perform specified municipal functions within the city.

C. To provide for effective and efficient administration and enforcement of this chapter with respect to commercial and industrial facilities located on premises within the city that discharge to the stormwater conveyance system, and to ensure compliance with Order 2002-0206, the city council and the Sacramento County Board of Supervisors may enter into an agreement or agreements for Sacramento County to administer and enforce the provisions of this chapter with respect to these commercial and industrial facilities, by including these commercial and industrial facilities in Sacramento County's commercial and industrial compliance program. If the city council and the Sacramento County Board of Supervisors enter into such an agreement or agreements:

1. Sacramento County and its authorized official(s) and employee(s) shall enforce the provisions of this chapter as they apply to commercial and industrial facilities located on premises within the city that discharge to the stormwater conveyance system, in accordance with the provisions of the agreement(s); and

2. Sacramento County, and its authorized official(s) and employee(s), shall be authorized to take any action that may be taken by the "enforcement agency" and "enforcement official," respectively, with respect to these commercial and industrial facilities, in accordance with the provisions of this chapter and the agreement(s); and

3. Sacramento County may establish and collect from these commercial and industrial facilities such fees as may be necessary to cover the actual costs incurred by Sacramento County to include facilities in its commercial and industrial compliance program, provided that the fees are established and collected uniformly within and outside of the city, and in accordance with the provisions of the agreement(s) and all applicable legal requirements. (Ord. 2004-042 § 1 (part))

13.16.160 Inspection authority.

Whenever necessary to make an inspection of any building or premises to enforce any of the provisions of this chapter, or whenever an authorized enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition that constitutes a violation of this chapter, the enforcement official may enter such building or premises at all reasonable times to perform an inspection, as well as any of the other activities authorized by this section. Any request for entry shall state that the property owner or occupant has the right to refuse entry and if entry is refused, entry may be made upon issuance of a judicial order. If the owner or occupant refuses entry after this request has been made, the enforcement official is empowered to seek authorization from any court of competent jurisdiction for such entry. The enforcement official may request a judicial order authorizing and/or compelling the performance of some or all of the activities authorized by this section.

During any inspection, the enforcement official may collect samples as necessary in order to implement and enforce the provisions of this chapter. This authority shall include the right to require the installation of sampling and metering devices on private property, or to require the person owning or occupying the premises to supply samples.

During any inspection, the enforcement official may require the person owning or occupying the premises to provide any and all records relating to any potential stormwater contamination, illegal discharge, nonstormwater discharge or other violation of this chapter, for review and copying.

The enforcement official shall identify buildings or premises for inspection based upon such reasonable selection processes as the enforcement official determines to be necessary to carry out the objectives of this chapter, including but not limited to: random sampling; sampling in areas with evidence of stormwater contamination, illegal discharge, or nonstormwater discharge to the stormwater conveyance system; and similar factors. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.101)

13.16.170 Monitoring, analysis and reporting authority.

Whenever an authorized enforcement official has reasonable cause to believe that there may exist on any premises a condition that constitutes a violation of this chapter, the enforcement official may require monitoring, analysis and/or reporting of discharges from the premises to the stormwater conveyance system, by serving a written notice of such requirement(s) on the owner of the premises or on the operator of a facility or activity on the premises. The cost of complying with these requirements shall be borne by the owner of the premises or the operator of the facility or activity for which monitoring, analysis and/or reporting has been required, to the extent permitted by law. (Ord. 2004-042 § 1 (part))

13.16.180 Enforcement.

In addition to the exercise of enforcement powers authorized or provided elsewhere in this code, this chapter may be enforced by any of the means set forth in this section.

A. Abatement.

1. Any discharge or condition violating any of the provisions of this chapter is a threat to the public health, safety and welfare and constitutes a public nuisance.

2. The enforcement official may commence and carry out proceedings for the abatement of any discharge or condition violating any provision of this chapter, in accordance with the provisions of Articles V and VI of Chapter 8.04 of this code, commencing with Section 8.04.110 of this code. Such actions or decisions of the enforcement official shall be subject to appeal as provided for in Article V and Article VI of Chapter 8.04 of this code. The notice and order issued by the enforcement official under Section 8.04.110 of this code may require the owner and/or occupant of the subject premises to take any or all of the following actions:

i. Submit and implement a plan approved by the enforcement official for the correction and prevention of the discharge or condition violating any provision of this chapter;

ii. Cease and desist all activities that may cause or contribute to any discharge or condition violating any provision of this chapter;

iii. Clean up any release of pollutants causing or resulting from the violation of any provision of this chapter;

iv. Mitigate any circumstances that may cause or contribute to any discharge or condition violating any provision of this chapter; and

v. Adopt and implement best management practices and/or a stormwater pollution prevention plan approved by the enforcement official.

3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare in the notice and order issued pursuant to subsection 2, above. Thereafter, the owner or occupant of the subject premises shall abate such seasonal and recurrent nuisance every year without the necessity of any further notice and order. If at any time the nuisance is not abated as required herein, the enforcement official may summarily abate the condition in accordance with the provisions of Article VII of Chapter 8.04 of this code, commencing with Section 8.04.330 of this code.

4. When, in the opinion of the enforcement official, any discharge from any source to the stormwater conveyance system causes or threatens to cause a condition that presents an imminent hazard to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit, the enforcement official may issue a notice requiring the owner or occupant of the premises where the discharge is occurring to immediately abate the discharge. In any case where the discharge is not immediately abated, or for any reason the owner or occupant of the subject premises does not receive the notice, or the enforcement official determines that time constraints are such that abatement must occur without providing the notice, the enforcement official may summarily abate the condition in accordance with the provisions of Article VII of Chapter 8.04 of this code, commencing with Section 8.04.330 of this code.

5. The owner of any premises in the city from which is made a discharge in violation of this chapter, and any person making or causing to be made the discharge, if different from the owner, shall be jointly and severally liable for the costs incurred by the city for any abatement, clean-up or restoration, including any related inspection and

testing costs, arising from the discharge, and the cost therefor shall be invoiced to the owner of the premises. If the invoice is not paid within sixty (60) days, the enforcement official may commence proceedings for recovery of these costs in accordance with the provisions of Article VIII of Chapter 8.04 of this code, commencing with Section 8.04.370 of this code.

B. Civil Actions.

In addition to any other remedies or penalties provided in this chapter, any violation of this chapter may be enforced by civil action brought by the city attorney. In any such action, the city may seek, as appropriate, any or all available equitable and legal remedies, including but not limited to:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, testing or monitoring related to the violation, and for the reasonable costs of preparing and bringing legal action under this subsection, including attorney fees, whether for in-house or outside counsel;
3. Costs incurred in removing, correcting, abating, cleaning up, or terminating the adverse effects resulting from the violation;
4. Compensatory damages for damage, loss or destruction to water quality, wildlife, fish and aquatic life, or public health and safety;
5. Payment or reimbursement of any governmental fines or penalties imposed on the city as a result of the violation;
6. Civil penalties imposed either on a daily basis or a per gallon basis, but not both, for any discharge of nonstormwater to the stormwater conveyance system violating any provision of this chapter. Civil penalties imposed on a daily basis shall not exceed five thousand dollars (\$5,000.00) for each day or portion of a day that the discharge occurs, and civil penalties imposed on a per gallon basis shall not exceed ten dollars (\$10.00) for each gallon of the discharge. The amount of civil penalties imposed shall be determined by taking into consideration some or all of the following factors: the nature, circumstances, extent, and gravity of the discharge, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, the economic benefit or savings, if any, resulting from the violation, and such other matters as justice may require.

C. Enforcement by Sacramento County. If the city council and the Sacramento County Board of Supervisors enter into an agreement for Sacramento County to administer and enforce the provisions of this chapter with respect to commercial and industrial facilities located on premises within the city that discharge to the stormwater conveyance system, pursuant to Section 13.16.150 of this chapter, any administrative or civil enforcement by Sacramento County of any provision of this Chapter with respect to such facilities shall be governed by and conducted pursuant to Chapter 15.12 of the Sacramento County Code, and the provisions of subsections A and B of this section shall not apply.

D. Criminal Violations.

1. Any violation of this article shall be punishable as a misdemeanor.
2. The enforcement official shall have and is vested with the authority to arrest or cite and release any person who violates any section of this chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or infractions as described by Chapters 5, 5(c), and 5(d) of Title 3, Part 2 of the California Penal Code, including Section 853.6 (as the same may hereafter be amended). It is the intent of the city council that the immunities prescribed in Section 836.5 of the California Penal Code be applicable to public officers or employees acting in the course and scope of employment pursuant to this chapter.

E. Administrative Penalties. In addition to any other remedy or penalty set forth in this chapter or this code, administrative penalties may be imposed pursuant to applicable provisions of Title 1 of this code against any responsible party, whether owner, lessee, sublessor, sublessee or occupant of any premises in violation of any of the provisions of this chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Title I of this code.

F. Remedies and Penalties Cumulative. The foregoing remedies and penalties are in addition to and do not supersede or limit any and all other remedies and penalties, civil or criminal, including any remedies or penalties authorized for violations of the Federal Clean Water Act or Porter-Cologne Water Quality Control Act. (Ord. 2004-042 § 1 (part): Ord. 98-007 § 1 (part): prior code § 87.01.118)

[13.16.190 Remedies not exclusive.](#)

The remedies provided for in this chapter shall be cumulative and not exclusive. (Ord. 2004-042 § 1 (part): Ord. 98-007 § 1 (part): prior code § 87.01.119)

[13.16.200 Appeal.](#)

A. If a decision or action of the enforcement official is not subject to an appeal procedure under any other provision of this chapter or code, any person who is affected by the enforcement official's decision or action may appeal the decision or action to the city manager within ten (10) days following the effective date of the decision or action, by filing a written appeal with the city manager. Upon receipt of such appeal, the city manager may request a report and recommendation from the authorized enforcement official and shall set the matter for an informal hearing at the earliest practical date. Not less than seven days prior to the date of hearing, the city manager shall provide written notice of the hearing to the person appealing the decision or action of the enforcement official. At the hearing, the appellant may be represented by any person of appellant's choice. The city manager shall hear any additional evidence presented by the appellant or the enforcement official, and may reject, affirm or modify the enforcement official's decision. The city manager's decision shall be the city's final administrative determination of the matter.

B. If the city council and the Sacramento County Board of Supervisors have approved an agreement for Sacramento County to administer and enforce the provisions of this chapter with respect to commercial and industrial facilities located on premises within the city that discharge to the stormwater conveyance system, pursuant to Section 13.16.150 of this chapter, any appeal of any action taken by Sacramento County or its officers or employees with respect to such facilities shall be governed by and conducted pursuant to the Sacramento County Code, and the provisions of this section shall not apply. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.120)

[13.16.210 Disclaimer of liability.](#)

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city or Sacramento County, nor their respective officers and employees, for any damages that result from reliance on the code or any administrative decision lawfully made thereunder. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.121)

[13.16.220 City or county authority.](#)

Except for decisions required to be made by the City Council and/or the Sacramento County Board of Supervisors, the enforcement official is authorized to make any decision on behalf of the city or Sacramento County, as applicable, required or called for by this chapter. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.122)

[13.16.230 Judicial review.](#)

The provisions of California Code of Civil Procedure Section 1094.5 and Section 1094.6 are applicable to judicial review of city or Sacramento County decisions pursuant to this chapter. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.1231)

Title 15 BUILDINGS AND CONSTRUCTION

Chapter 15.88 GRADING, EROSION AND SEDIMENT CONTROL

Article I General Provisions and Requirements

15.88.010 Title.

This chapter shall be known as the grading, erosion, and sediment control ordinance of the city of Sacramento, and shall be referred to herein as the “grading ordinance.” (Prior code § 9.31.1501)

15.88.020 Purpose.

The grading ordinance is enacted for the purpose of regulating grading on property within the city limits of the city to safeguard life, limb, health, property and the public welfare; to avoid pollution of watercourses with nutrients, sediments, or other materials generated or caused by surface water runoff; to comply with the city’s national pollution discharge elimination system (NPDES) Permit No. CA0082597, provision D2, issued by the California regional water quality control board; and to ensure that the intended use of a graded site within the city limits is consistent with the city general plan, any specific plans adopted thereto and all applicable city ordinances and regulations. The grading ordinance is intended to control all aspects of grading operations within the city limits of the city. (Prior code § 9.31.1502)

15.88.030 Scope.

The grading ordinance sets forth rules and regulations to control land disturbances, landfill, soil storage, pollution, and erosion and sedimentation resulting from construction activities. The grading ordinance establishes procedures for issuance, administration and enforcement of permits for such activities. Any grading within the city limits of the city shall conform to provisions of the grading ordinance and other applicable provisions of the city code, including but not limited to, the latest edition of the city standard specifications for public works construction, Sacramento city/county drainage manual, and city manual of standards and improvement standards.

The director shall adopt a manual of standards entitled “Administrative and Technical Procedures Manual for Grading, Erosion, and Sediment Control” setting forth the administrative procedures and technical requirements necessary to implement the provisions of the grading ordinance. The director shall have the authority to change, update or revise this manual as necessary at his or her sole discretion, to implement the provisions of the grading ordinance. (Prior code § 9.31.1503)

15.88.040 Administration.

The grading ordinance shall be administered for the city by the department of utilities through the building permit process, improvement plan process or capital improvement project process, as applicable. (Ord. 2001-014 § 2: prior code § 9.31.1504)

15.88.050 Definitions.

Unless the particular provision or the context otherwise requires, wherever the following terms are used in the grading ordinance, they shall have the meaning ascribed to them in this section:

“Applicant” means any person seeking or receiving grading approval, in accordance with the terms of the grading ordinance, to perform grading after the issuance of a building permit or the approval of improvement plans, or to commence grading prior to such issuance or approval.

“Best management practices” means any program, technology, technique, process, siting criteria, operating method, measure or device which controls, prevents, removes or reduces pollution, erosion, and sediment transport, including but not limited to any best management practices required or implemented under the city’s Stormwater Management and Discharge Control Code, set forth in Chapter 13.16.

“City council” means city council of the city of Sacramento.

“Civil engineer” means a professional engineer registered as a civil engineer by the state of California.

“Compaction” means the increase of density of a soil or rock fill by mechanical means.

“Cut (excavation)” means the removal of naturally occurring earth materials by manual or mechanical means, and the conditions resulting therefrom.

“Director” means director of the department of utilities of the city of Sacramento, or his or her authorized designees.

“Drainage waters” means surface waters which collect, or are accumulated, on the ground and which, by means of drainage ways or water courses, flow off the surface to larger rivers, streams, or lakes. Such waters shall include, but are not limited to, natural precipitation and irrigation waters.

“Drainage way” means a depression in the earth’s surface such as a swale, ravine, gully, slough, draw, hollow, or ditch in which surface water collects for drainage.

“Earth material” means any rock, natural soil or fill and/or any combination thereof.

“Embankment (fill)” means the deposit of soil, rock or other materials placed by artificial means and the conditions resulting therefrom.

“Encroachment permit” means a written permit issued by the department of public works authorizing certain work within a publicly maintained right-of-way.

“Engineering geologist” means a registered geologist certified as an engineering geologist by the state of California.

“Erosion” means the washing or wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

“Erosion and sediment control plan (ESC plan)” consists of a set of best management practices or equivalent measures designed to control surface runoff and erosion, retain sediment on a particular site and prevent pollution of site runoff during the period beginning when any preconstruction- or construction-related grading or soil storage first occurs, until all final improvements and permanent structures are completed.

“Excavation (cut)” means the removal of naturally occurring earth materials by manual or mechanical means, and the conditions resulting therefrom.

“Existing grade” means the elevation of the ground surface at a given point prior to excavating or filling.

“Fill (embankment)” means the deposit of soil, rock or other materials placed by artificial means and the conditions resulting therefrom.

“Finish grade” means the final grade of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

“Geologic hazard” means any condition in naturally occurring earth materials which may endanger life, health or property.

“Geotechnical engineer” means a civil engineer registered by the state of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title “soil engineer.”

“Grade” means the vertical location of the ground surface.

“Grading” means any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative groundcover.

“Grading plan” means a plan prepared in accordance with this chapter showing grading and related work.

“Manual of standards” means a compilation of administrative procedures, technical standards and design specifications adopted by the city of Sacramento for controlling construction-related grading, surface runoff, erosion and sedimentation. This manual of standards shall be titled “Administrative and Technical Procedures Manual for Grading and Erosion and Sediment Control.”

“Owner” means the legal owner of the property where the grading work is to be done, as shown on the latest equalized assessment roll in the office of the county assessor.

“Parcel (lot)” means the land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the Sacramento County recorder’s office.

“Permit” means either a building permit or a separate grading permit.

“Person” means any person, firm, corporation, or public agency whether principal, agent, employee, or otherwise.

“Post construction erosion and sediment control plan (PC plan)” means consists of a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site after all final structures and permanent improvements have been erected or installed.

“Preliminary grading plan” means a plan that shows the proposed grading work in relation to the existing site prepared and submitted with the application for a grading permit.

“Rainy season” means the period of the year during which there is a substantial risk of rainfall. For the purpose of this chapter, the rainy season is defined as from October 1st to April 30th, inclusive.

“Rough grade” means the stage at which the grade approximately conforms to the approved plan.

“Sediment” means any material transported or deposited by water, including soil debris or other foreign matter.

“Site” means any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed.

“Slope” means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

“Soil” means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

“Vegetation” means plant life or total plant cover of an area.

“Watercourse” means any natural or manmade channel in which water flows continuously or intermittently in a definite direction and course, or which is used for the holding, delay or storage of waters, or which functions at any time to convey or store stormwater runoff. (Ord. 2003-058 §§ 1—2; prior code § 9.31.1505)

[15.88.060 Grading approval required.](#)

Except for the specific exemptions listed hereinafter, no person shall do or permit to be done any grading on any site in the of the city without first obtaining approval of such grading from the director in accordance with the provisions of the grading ordinance. (Prior code § 9.31.1506)

[15.88.070 Exemptions.](#)

The following grading may be done without obtaining grading approval unless grading approval is required in mitigation monitoring agreements or other conditions of project approval. Exemption from the grading approval requirement shall not be deemed as permission to violate any other provision of this chapter.

A. Minor construction projects which meet all of the following requirements:

1. The volume of material graded is less than fifty (50) cubic yards,
2. The depth of cuts and fills is less than two feet,
3. Any drainageway is not blocked or obstructed and its stormwater carrying capacities are not modified,
4. Slopes are less than ten percent and are not left in an unstable or erodible condition;

B. Single family residential lots less than one-half acre that are not part of a larger common plan and residential infill projects less than one-half acre which also meet the requirements of subsection A of this section;

C. Excavations in connection with a swimming pool authorized by a valid building permit;

D. Grading necessary for agricultural operations unless the failure of any cut or fill created by such grading could endanger any structure intended for human or animal occupancy or any public road, or could obstruct any watercourse or drainageway;

E. Exploratory excavations of less than three hundred fifty (350) cubic yards under the supervision of a geotechnical engineer;

F. Routine cemetery excavations and fills;

G. Performance of emergency work necessary to protect life or property when an urgent necessity therefor arises. The person performing such emergency work shall notify the director promptly of the problem and work required;

H. An excavation below finished grade for basements and footings of a building authorized by a valid building permit;

I. Refuse disposal sites controlled by Title 23, Chapter 15, of the California Code of Regulations;

J. The repair and maintenance of levees for river and local drainage control performed by a governmental agency. (Prior code § 9.31.1507)

15.88.080 Grading approval.

Grading approval may be issued by the director in connection with the issuance of a building permit or the approval of improvement plans, or where grading is commenced prior to such issuance or approval, through the issuance of a separate grading permit. (Prior code § 9.31.1508)

15.88.090 Conditions of grading approval.

A. No grading shall be approved unless the project conforms with the city's general plan, any adopted specific or community plans, and applicable city ordinances, including the zoning ordinance and the subdivision ordinance.

B. Where the California Environmental Quality Act (CEQA) requires the preparation and approval of environmental documents concerning a project which will result in grading for which a grading permit is required under this chapter, no grading shall be approved until all CEQA requirements have been met, including but not limited

to mitigation measures relating to protection of threatened and endangered species under applicable federal and state endangered species laws. Where the land proposed to be graded is located within the North Natomas Community Plan Area or the South Natomas Community Plan Area, grading permits may be issued, provided that the conditions contained in Section 15.88.091 are satisfied.

C. Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary zoning permit or variance, grading may also require approval from the city planning and building department.

D. Work shall be performed in accordance with the provisions of the grading ordinance and the applicable criteria set forth in the manual of standards.

E. Grading approval shall be limited to work shown on the grading plans as approved by the director. The director may impose any condition deemed necessary to protect the health, safety, and welfare of the public, to prevent the creation of a hazard to public or private property, and/or to assure proper completion of the grading, including but not limited to the following:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings, including but not limited to those matters specified in subsection B of this section;

2. Improvement of any existing grading to comply with the standards of the grading ordinance;

3. Requirements for fencing or other protection of grading which would otherwise be hazardous;

4. Requirements for dust, erosion, sediment and noise control, hours of operation and season of work, access roads and haul routes;

5. Requirements for safeguarding watercourses, whether natural or manmade, from excessive deposition of sediment or debris. In no case shall deposition of sediment or debris cause an exceedance of applicable water quality standards;

6. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of flooding can be eliminated or adequately reduced;

7. Requirements for safeguarding existing water wells. (Ord. 2001-021 § 1; Ord. 2001-014 § 3: prior code § 9.31.1509)

15.88.091 Requirements for development projects in North and South Natomas.

The city manager is authorized to issue grading permits within the North Natomas Community Plan Area and the South Natomas Community Plan Area only if the city manager finds that the applicant meets all the requirements of subsections A, B, C and D of this section.

A. The applicant has paid to the city (in addition to the “catch-up fee” required by Ordinance No. 2002-018) the full amount of the habitat-conservation fees that have been assessed by the city pursuant to the April 2003 Natomas Basin Habitat Conservation Plan and are then in effect (HCP Fees), including the entire amount and all elements of any increased HCP fees adopted by the Natomas Basin Conservancy (“NBC”) and by the city pursuant to a validly enacted ordinance or resolution. The city anticipates receiving an adopted fee increase proposal from the NBC for consideration and adoption. The city shall not issue any grading permit until such time as the entire amount of, and all elements of, the anticipated HCP fee increase become effective or the city has otherwise secured from the applicant a written and unconditional agreement to pay the entire amount of, and all elements of, the increased HCP fees. All HCP fee increases will be included within the obligations to be covered by the agreement required under subsection D of this section.

B. If the applicant prepaid its HCP fees in an amount less than the HCP fees in effect when the grading permit is issued, the applicant has paid a catch-up fee in accordance with Ordinance No. 2002-018 and has paid an amount equal to its fair share of the amount of any HCP fee increase, on a per-acre basis, as reasonably determined by the city.

C. In lieu of the land-acquisition component of any HCP fee required to be paid under subsections A and B of this section, the applicant has transferred to the city or to the NBC fee title or a conservation easement in perpetuity for mitigation land, at the ratio of 0.5 acre of mitigation land for each acre for which the city issues a grading permit, and the applicant has paid other components of the applicable fees. If the number of acres transferred by an applicant to the city or to NBC exceeds the number of acres required to comply with the 0.5:1 mitigation formula set forth in the April 2003 Natomas Basin Habitat Conservation Plan (NBHCP), the city shall grant the applicant a credit against the land-acquisition component of any HCP fee to be paid in the future or, at the applicant’s option, the city (either directly or through the NBC) shall pay the applicant, in cash, an agreed-upon amount not to exceed the fair market value of the excess acres of land transferred to the city or to NBC.

D. The applicant has executed an agreement, in a form acceptable to and approved by the city attorney, that requires the applicant and its successors in interest to do the following:

1. Comply with all provisions of the NBHCP;

2. Comply with the Incidental Take Permit and the State Incidental Take Authorization issued in conjunction with the NBHCP;

3. Pay all applicable fee increases and additions, whether adopted by the city before or within six months after issuance of the grading permit (but an applicant who has been specifically and expressly asked by the city manager or designee to pay HCP fees earlier than the date of issuance of a grading permit, and who in fact makes the requested early payment, shall not be subject to the “catch up” provisions of this clause); and

4. Release, defend, and fully indemnify the city and its officers, employees, and agents from and against all costs and damages, including attorney’s fees, that may arise in connection with the city’s issuance of a grading permit to the applicant, including but not limited to claims (procedural or substantive) that relate to HCP fee increases adopted by the city and arise under California’s Mitigation Fee Act (title 7, division 1 of the Government Code, at chapters 6, 7, 8, and 9). (Ord. 2003-031 § 1: Ord. 2002-023 § 1; Ord. 2001-021 § 2)

15.88.100 Liability.

Neither issuance of grading approval under the provisions of the grading ordinance nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the city for damage to any person or property. (Prior code § 9.31.1510)

15.88.110 Scope of approval.

The issuance of grading approval shall not be construed as an approval of any action or condition constituting a violation of the provisions of the grading ordinance or of any other applicable laws, ordinances, rules or regulations. (Prior code § 9.31.1511)

15.88.120 Water obstruction.

No person shall do or permit to be done any grading which may obstruct, impede, or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions, natural drainage ways, unimproved channels, watercourses, improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in

accordance with all applicable laws including, but not limited to, the provisions of the grading ordinance. (Prior code § 9.31.1512)

15.88.130 Levee work.

No person shall excavate or remove any material from or otherwise alter any levee adjacent to any river, creek, bay, or local drainage control channel, without prior approval of the governmental agency or agencies responsible for the operation and/or maintenance of the levee. (Prior code § 9.31.1513)

15.88.140 Construction in public right-of-ways.

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without prior written approval of the director, and without obtaining a city encroachment permit. (Prior code § 9.31.1514)

15.88.150 Hazards.

Whenever the director determines that any grading on private property constitutes a condition which could endanger persons or property, or could adversely affect the safety, use or stability of adjacent property, or an overhead or underground utility, or any public way, watercourse or drainage channel, or could adversely affect the water quality of any water bodies or watercourses, the owner of the property upon which the condition is located, or other person or agent in possession or control of said property, upon receipt of notice in writing from the director, shall, within the period specified therein, stop all work. The director may require the submission of plans, soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any work or activity proposed or required to correct such condition. (Prior code § 9.31.1515)

15.88.160 Not retroactive.

The provisions of the grading ordinance shall not apply to planned or existing construction for which all previously necessary permits and approvals were obtained prior to the effective date of the ordinance codified in this chapter. (Prior code § 9.31.1516)

Article II Application for Grading Approval

15.88.170 Filing of application for grading approval—Permit.

Applications for permits shall be obtained from and filed with the department of planning and development, building inspections division. Each application shall include a plan checking fee, the preliminary or final grading plans and a statement of the intended use of the site. Only one application and permit is allowed for grading work to be done on a site. The director shall determine whether the application is complete in accordance with provisions of Article III of this chapter herein and may require additional information from the applicant before accepting the application as complete. The applicant shall be notified within ten (10) working days if the application is deemed incomplete, and of the requirements for completing the application. (Prior code § 9.32.1601)

15.88.180 Improvement plans in lieu of application for permit.

Where a subdivision improvement plan is being processed in conjunction with either an approved tentative, parcel, or final map; or a site plan is being processed in accordance with the provisions of this code, such plan shall also be considered as an application for grading approval. Such plans shall be reviewed and approved, conditionally approved or denied in accordance with the standards and requirements set forth in the grading ordinance and other applicable city specifications. If an improvement plan or site plan is approved, then a separate grading permit shall not be required. Approval of the improvement plans constitutes approval of the grading work intended. (Prior code § 9.32.1602)

15.88.190 Grading prior to issuance of building permit or approval of improvement plans.

Applicants for a permit to allow grading prior to issuance of a building permit or approval of improvement plans shall meet the following requirements:

A. Preliminary grading plan shall be submitted for review and approval by the director. This plan shall conform to the requirements of the grading ordinance and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading or revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected at the applicant's expense.

B. Both erosion and sediment control plans in accordance with provisions of Article III of this chapter, plans and specifications, of the grading ordinance shall be submitted for review and approval by the director.

C. A winterization certification shall be submitted for review and approval by the director in accordance with Section 15.88.270 of this chapter.

D. Plan check and inspection fee deposit shall be required in the amount of the full plan check fee applicable at the time of submittal in accordance with Section 15.88.310 of this chapter.

E. No grading permit shall be issued until all applicable CEQA requirements have been met. (Prior code § 9.32.1603)

15.88.200 Referral to other public agencies.

The director may refer the application to other interested public agencies for their recommendations. (Prior code § 9.32.1604)

15.88.210 Permission of other agencies or owners.

No application for grading approval shall relieve the applicant of responsibility for securing other permits or approvals, including but not limited to those specified in Section 15.88.090, subsection B, required for work which is regulated by any other department or other public agency, or for obtaining any easements or authorization for grading on property not owned by the applicant. Proof of applicable public agency permits may be required prior to issuance of grading approval. (Ord. 2001-014 § 4: prior code § 9.32.1605)

Article III Plans and Specifications

15.88.220 Application—Plans.

Five complete sets of plans, as determined by the director, including but not limited to, profiles, cross-sections, topographic maps, erosion and sediment control plans, and accompanying specifications shall be submitted to the director with each application for grading approval or when otherwise required by the director for enforcement of any provision of this chapter. At the time of application, the applicant may provide preliminary grading plans. Prior to the issuance of grading approval, the applicant must furnish final grading plans and all erosion and sediment control plans. Preliminary grading plans with appropriate changes and additions thereto may be accepted as final grading plans. When the final grading plans and other required documents have been approved, grading approval will be issued by the director. The work shall be done in strict compliance with the approved plans and specifications which shall not be changed

or altered except in accordance with the provisions of this chapter. (Prior code § 9.33.1701)

15.88.230 Preliminary grading plans.

Preliminary grading plans provide for review and determination of grading requirements prior to approval of final plans and issuance of grading approval. Precise design at this stage is not required. The plans shall be clearly and legibly drawn and entitled “preliminary grading plan,” and shall contain a statement of the purpose of the proposed grading, and shall include all of the information required in the Manual of Standards, Chapter 2, Section 2. (Prior code § 9.33.1702)

15.88.240 Final grading plans.

Final grading plans and specifications shall be prepared and signed by a registered civil engineer, except as otherwise provided herein. In addition to all requirements for preliminary grading plans, the final plans shall include the information required in the Manual of Standards, Chapter 2, Section 2. The director may waive the requirement that all plans and specifications be prepared and signed by a registered civil engineer if the grading would not endanger the public health, safety, or welfare as determined by the director and would not involve or require any of the following:

- A. Cuts and fills with a combined total of three hundred fifty (350) cubic yards or more;
- B. An access road serving five or more existing or proposed residences;
- C. A cut or fill that is located so as to cause unduly increased pressure or reduce support upon adjacent structure of property;
- D. The construction of any drainage or sediment control structures, culverts, or facilities or alteration of any existing drainage course;
- E. The creation or aggravation of an unstable slope condition. (Prior code § 9.33.1703)

15.88.250 Erosion and sediment control plans (ESC plan).

An ESC plan shall be prepared for all projects to control surface runoff and erosion and to retain sediment on a particular site and prevent pollution of site runoff during the

period beginning when any preconstruction- or construction-related grading or soil storage first occurs, until all final improvements and permanent structures are complete. The ESC plan shall be prepared and submitted concurrently with the final grading plan. The ESC plan may be incorporated on the same plan sheet as the final grading plan unless it makes the sheet cluttered, or it may be submitted on a clean separate sheet. The separate sheet shall be drawn clearly and legibly and entitled "erosion and sediment control plan," shall contain a statement of the purpose of the proposed best management practices to be used, and shall include all of the information required and contained in the Manual of Standards, Chapter 2, Section 3. (Ord. 2003-058 § 3; prior code § 9.33.1704)

15.88.260 Postconstruction erosion and sediment control plan (PC plan).

The PC plan shall be prepared for all projects to control surface runoff and erosion and retain sediment on a particular site after all planned final improvements and/or structures have been installed or erected. The PC plan shall be prepared and submitted concurrently with the final grading plan. The PC plan shall be drawn clearly and legibly, and entitled "postconstruction erosion and sediment control plan." The PC plan shall contain a statement of the purpose of the proposed best management practices to be used to secure the project after completion, and shall include all of the information required and contained in the Manual of Standards, Chapter 2, Section 4. (Prior code § 9.33.1705)

15.88.270 Winterization certification.

A winterization certification shall be submitted no later than September 15th for all projects where any construction will occur between October 1st and April 30th. Construction that will occur solely in the summer months, between May 1st and September 30th will not be required to submit a winterization certification. The winterization certification shall consist of a written statement or descriptive plan sheet from the owner certifying that the project under construction is prepared for an event which will stop construction, such as rain or snow, that all ESC plan best management practices are in place and operating correctly, that housekeeping practices are maintained and that the site can be left or abandoned safely for an extended period of time during the rainy season without causing any erosion and sediment control problems. If a winterization certification is required and has not been submitted and approved prior to September 16th, the grading approval will be suspended until a winterization certification is submitted and approval obtained. Refer to the Manual of Standards, Chapter 4, Section 5, for additional information regarding winterization certification. (Prior code § 9.33.1706)

15.88.280 Modification of approved plans.

Any modifications of an approved final plan shall be submitted in writing to the director, who shall approve or deny such modification in his or her sole discretion. All necessary soils and geological information and design details shall accompany any proposed modification. Any modification shall be compatible with all subdivision map or land use requirements. (Prior code § 9.33.1707)

15.88.290 General design standards.

Any activities performed under the authority of the grading ordinance, including but not limited to grading, excavation, soil storage, soil transportation, erosion and sediment control measures, shall conform to the general design standards set forth in the Manual of Standards, Chapter 3. (Prior code § 9.33.1708)

Article IV Permit Requirements

15.88.300 General.

The director shall issue grading approval if final grading plans satisfy the provisions of the grading ordinance and the Manual of Standards. The director shall identify the provision, requirement, or condition which has not yet been met or performed by the applicant in the event the issuance of grading approval is denied. (Prior code § 9.34.1801)

15.88.310 Fees.

A. The applicant shall pay a fee to cover the city's costs of reviewing plans, specifications, reports and other materials related to grading approval and performing all engineering services, field investigations, inspections, routine laboratory tests of materials and compaction or other work or services in connection with the issuance of grading approval or to determine or enforce compliance with any requirement or provision set forth in this chapter or in Chapter 13.16.

B. The fee or fees required by subsection A shall be established from time to time by resolution of the city council and shall be paid to the director either before grading approval is issued or before the issuance of a building permit, or both in accordance with the fee schedule adopted by resolution of the city council. The director may charge additional fees in any case where the city incurs costs that are not covered by the initial fee payment(s).

C. If grading work is done in violation of the grading ordinance or does not comply with the terms and conditions of a grading approval issued for such grading, the violator is required to pay the city for all costs actually incurred by the city to inspect or

investigate such violation and to perform inspection and plan checking of work required to correct the violation. (Ord. 2003-058 § 4; prior code § 9.34.1802)

15.88.320 Progress report.

Applicant shall submit periodic progress reports on specified calendar dates and at commencement and completion of specified grading and erosion and sediment control operations. The dates upon which such reports are required and their content shall be as required by the director in the grading approval. (Prior code § 9.34.1803)

15.88.330 Submit record construction drawings.

The applicant shall submit to the director record construction drawings of the final grading plan and erosion and sediment control plans following completion of grading operations. (Prior code § 9.34.1804)

15.88.340 Performance of work—Inspection.

The director may inspect any work done pursuant to the grading ordinance at any time during the course of construction. No person shall be deemed to have complied with the grading ordinance until a final inspection of the work has been made by the director. As a condition of any grading approval, the applicant shall provide the city a right-of-entry and reasonable access, in accordance with Section 15.88.470 of this chapter, to the site during the performance of all work and for a minimum period of one year after acceptance by the director of all improvements pursuant to the grading ordinance. (Prior code § 9.34.1805)

15.88.350 Location of property lines.

Prior to any grading work or related activities, the owner must flag all property corners of the parcel of land to be graded. If the property corners are unknown, or whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed land surveyor or civil engineer or other resolution of the title dispute, all at the expense of the applicant, may be required by the director. (Prior code § 9.34.1806)

15.88.360 Other responsibilities of applicant.

A. Protection of Utilities. The applicant shall be responsible for the prevention of damage to any public utilities or services.

B. Protection of Adjacent Property. The applicant shall be responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land that is so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure or other public or private property or easement without supporting and protecting such property from any damage which might otherwise result.

C. Advance Notice. The applicant shall notify the director at least twenty-four (24) hours prior to the start of work.

D. Erosion and Sediment Control. It shall be the sole responsibility of the applicant to prevent discharge of sediment from the site, in quantities greater than before the grading occurred, to any watercourse, drainage system, or adjacent property.

E. Compliance with Stormwater Management and Discharge Control Code. At all times during the preconstruction and construction of any project for which grading approval is issued until all final improvements and permanent structures are complete, the applicant shall fully comply with all applicable requirements of the city's Stormwater Management and Discharge Control Code, set forth in Chapter 13.16. (Ord. 2003-058 § 5; prior code § 9.34.1807)

15.88.370 Time limits.

All the work required by the permit or grading approval shall be completed within the time limits specified in the permit or approval. If the work cannot be completed within the specified time, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing to the director no later than thirty (30) days prior to the expiration of the permit or approval. The director shall in his or her sole discretion approve or deny such request. The director may require a new application and fees depending on the time between the expiration date and the extension request, revisions in city regulations, and/or changed circumstances in the immediate area. (Prior code § 9.34.1808)

15.88.380 Transfer of grading approval.

No approval or permit issued under the grading ordinance may be transferred or assigned in any manner whatsoever, without the express written consent of the director. (Prior code § 9.34.1809)

15.88.390 Improvement security required.

A. As a condition for the issuance of grading approval, the director may require the deposit of an improvement security in an amount deemed sufficient by him or her to assure faithful performance of the grading work in the event of default on the part of the applicant. Said security shall be in a form acceptable to the city.

B. In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work and subdivision improvements have been accepted by the city.

C. For projects other than subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work has been accepted by the director.

D. In addition to the improvement security, the director may also require the deposit of maintenance security in an amount deemed sufficient by him or her to guarantee and maintain the grading work performed, to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in a form acceptable to the city and shall remain in effect for a period of one year after the date of acceptance of the improvements or grading work, as designated in subsections B and C of this section, or such other periods of time as required by the director.

E. Any deposit required by the director pursuant to this title shall be payable to the city.

F. Upon failure to complete the work, failure to comply with all of the terms of the grading ordinance, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the city may do the required work, or cause it to be done and collect from the applicant or surety all costs incurred thereto, including administrative and inspection costs. Any unused portion of a deposit shall be refunded to the applicant after deduction by the city of the cost of the work. (Prior code § 9.34.1810)

15.88.400 Appeals.

Appeals of any decision made pursuant to the grading ordinance shall be made to the construction codes advisory and appeals board in writing, setting forth the specific grounds therefor. Such appeals shall be heard and determined in accordance with the procedures set forth in Chapter 2.48 of this code. (Prior code § 9.34.1811)

[Article V Enforcement](#)
[15.88.410 Enforcement official.](#)

The director shall enforce the provisions of the grading ordinance. (Prior code § 9.35.1901)

[15.88.420 Suspension and revocation of grading approval.](#)

The director may suspend or revoke grading approval for good cause. In the event that a suspension or revocation is appealed to the construction codes advisory and appeals board, no work shall be performed pending appeal except as expressly authorized, in writing, by the director. (Prior code § 9.35.1902)

[15.88.430 Stop work order.](#)

A. Whenever any work is being done in violation of the provisions of the grading ordinance or any other applicable law, ordinance, rule or regulation, the director may order the work stopped by serving written notice of such violation on any persons engaged in, doing, or causing such work to be done. Any such person shall forthwith stop such work until authorized by the director to proceed with the work. If there are no persons present on the premises, the notice shall be posted in a conspicuous place. The notice shall state the nature of the violation. Any person violating a stop work order shall be guilty of an infraction.

B. Upon receipt of or knowledge of the existence of such stop work notice, the person performing the work shall:

1. Stop work immediately; and
2. Within twenty-four (24) hours, provide the director with a list of remedies which can be immediately undertaken to bring the work into compliance with this title; and
3. Within twenty-four (24) hours after acceptance of such remedies by the director, undertake at the violator's expense, such action as is necessary to bring the work into compliance with this title.
4. If engineering work is required to identify and define the proper course of action, as determined by the director, such work shall be provided by the violator at no cost to the city. (Prior code § 9.35.1903)

15.88.440 Abatement of unlawfully created conditions.

A. Any condition in violation of the grading ordinance is declared to be a public nuisance, subject to abatement in accordance with Title 8 of this code. In the event that the director determines that a violation has created a condition which is of such a nature to be imminently dangerous to the public health, safety or welfare, such condition may be abated in accordance with the summary abatement procedures set forth at Chapter 8.04, et seq. of this code.

The following conditions are declared to constitute an imminently dangerous condition:

1. When a violation has altered natural drainage patterns and has caused flooding to any downstream or upstream property; or
2. When a violation results in a condition which creates a drainage alteration such that upstream or downstream property may be flooded when weather conditions change and the owner, lessee, or licensee of the property on which the violation exists cannot be found; or
3. When a violation results in a hazard, requiring immediate correction for the preservation of the public health, safety, or welfare; or
4. When a violation results in a discharge or release of significant amounts of sediment which causes or threatens to cause flooding, property damage, or unsafe conditions.

B. The costs incurred by city to abate any nuisance caused by a violation of the grading ordinance shall be assessed against the subject property as a lien or made a personal obligation to the owner of the property as provided in Chapter 8.04, et seq. of this code. Such costs may include, but shall not be limited to, the following:

1. Engineering and design costs;
2. Contractor service bills or public employee wages at cost;
3. Administrative overhead and supervision based on ten (10) percent of all other costs incurred;
4. Interest which shall accrue and be billed at the rate of ten (10) percent of all unpaid amounts from the date of billing;
5. Attorney fees and costs.

C. The abatement procedures set forth in this section are cumulative and in addition to any other rights or remedies which are or may be available to city to correct or cause to

be corrected any violation of the grading ordinance, or to abate a condition which is otherwise a public nuisance. (Prior code § 9.35.1904)

15.88.450 Infraction.

Any person violating any provision of the grading ordinance shall be guilty of an infraction. (Prior code § 9.35.1905)

15.88.460 Nonexclusive remedies.

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law for violation of the grading ordinance. (Prior code § 9.35.1906)

15.88.470 Right of entry.

Whenever necessary to enforce the provisions of the grading ordinance, the director may enter the premises at all reasonable times to the extent authorized by law to perform any duty imposed by the grading ordinance. If such entry is refused, the director shall have recourse to every remedy provided by law to secure entry. (Prior code § 9.35.1907)